

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-12267
Date Received: 12/14/1990
Receipt No: C021343
Received By: *[Signature]*

RECEIVED
JUL 29 1991

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRIAN BERGER 208-776-9917
Address: P.O. BOX 545
LAVA HOT SPRINGS, ID 83246-0545

2. Date of Priority: JUN 01, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	20	NW	SE		6	BANNOCK

5. Description of diverting works:
WELL, PUMP AND PIPELINES TO MOTEL AND IRRIGATED LAWN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		
COMMERCIAL	01/01	12/31	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL USE IN MOTEL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	20	SW	NE		IRR	1.0
			SW	NE		COMMER	
			NW	SE	6	IRR	2.0

A29-12267

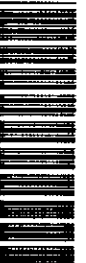
Page 1

Date: 12/14/90

MICROFILMED

NOV 16 1992

A2912267



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	20	NW	SE	6	COMMER	

Section Acres 3.0

Total Acres 3.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
N/A

14. Remarks:

Place of use is split by a line between SWNE and Government Lot 6, Section 20, T9S, R38E.

Commercial use is for a motel and trailer park.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Brian Berger Date: 7/25/91

Date: _____

State of Idaho

County of

BANNOCK

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 25th day

of

July

19

91

Seal

Pamela Kuster
Notary Public

Residing at

Lava Hot Spring, Idaho

My Commission Expires

04-06-94

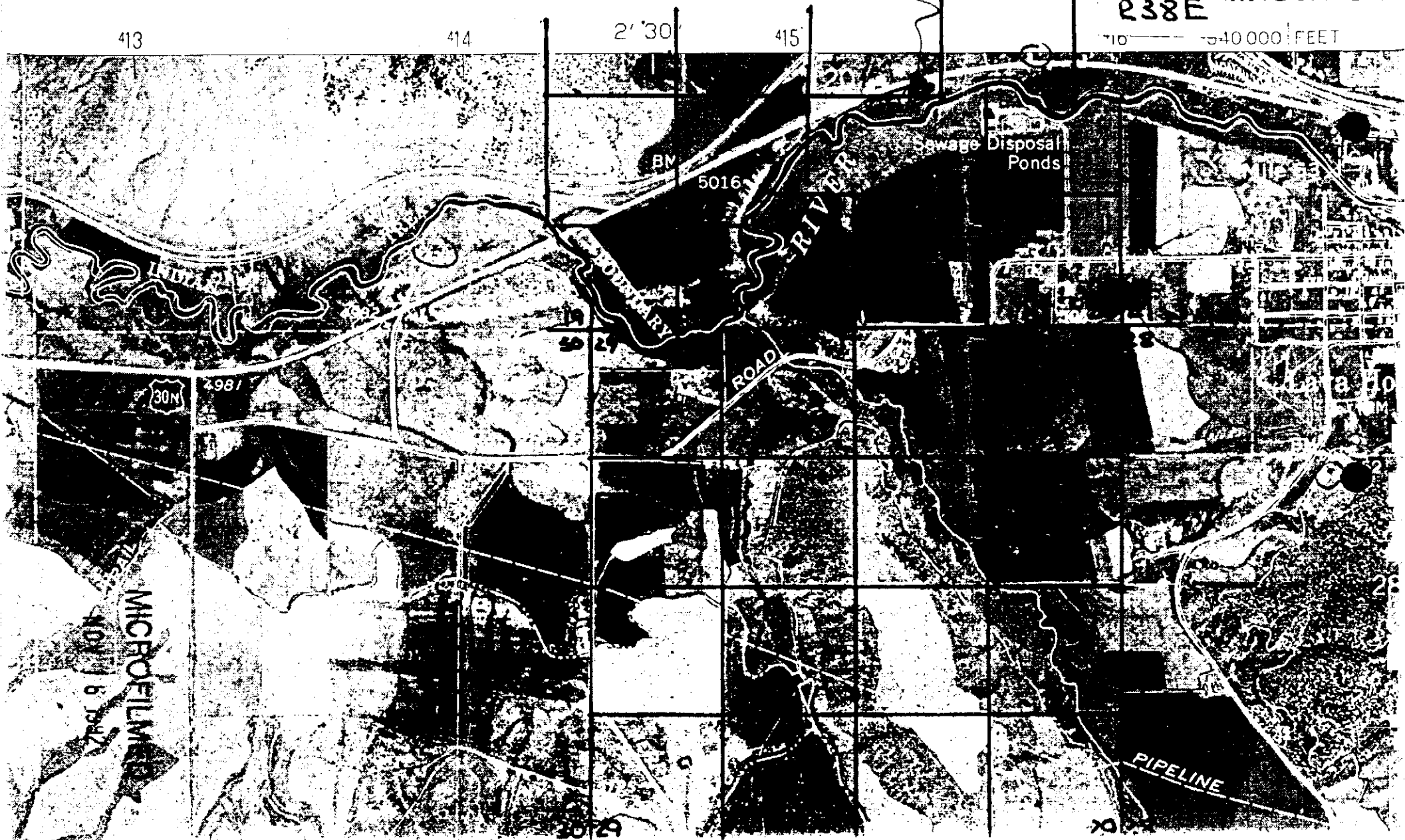
A29-12267

R38E

LAVA HOT SP

T9S
R38E MINUTE SER

10 40 000 FEET



Log for claim A29-12267

Spatial Dynamics PJM

9/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	20	SWNE	1	0.2	
09s38e	20	NWSE	2	4.3	
Totals:			3	4.5	

AJ5809NP
No. A29-12267

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 250

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRIAN BERGER PO BOX 545 LAVA HOT SPRINGS ID 832460545 (208) 776-9917	06/01/1959	IRRIGATION COMMERCIAL	04-01 11-01 01-01 12-31	0.060 CFS 0.200 CFS	
TOTAL DIVERSION:					0.200 CFS	
CONSUMPTIVE USE:						15.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R38E S20 Lot06(NWSE)

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
09S	38E	20	:				01	:					:					:					:	3.0
TOTAL ACRES																							3.0	

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
09S	38E	20	:				C	:					:					:					:	

POU County: BANNOCK

Non-Irrigation Uses: COMMERCIAL USE IN MOTEL

Other Rights: N/A

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-11597

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00047A A29-00048 A29-04467 A29-10816

Remarks: GEN Place of use is split by a line between SWNE and Government Lot
6, Section 20, T9S, R38E.
Commercial use is for a motel and trailer park.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/29/91 MEYER 09/16/94 JTHOMPSO 03/29/95 POST-STD



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 13, 1991

Brian Berger
P.O. Box 545
Lava Hot Springs, ID 83246-0545

RE: Snake River Basin Adjudication (SRBA)
Bannock County - #A29-12267

Dear Mr. Berger:

Thank you for remitting an additional \$3.00 as requested in our August 21, 1991 letter. I have enclosed your receipt and a computer generated copy of the Notice of Claim referenced above for your records.

Please contact us if you have any questions.

Sincerely,

Sally Frazee
Secretary, Adjudication Section

SF:ast
Enclosure:
#A29-12267
Receipt #C021617

MICROFILMED

NOV 16 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 21, 1991

Brian Berger
P.O. Box 545
Lava Hot Springs, ID 83246-0545

RE: Snake River Basin Adjudication (SRBA)
Bannock County - #A29-12267

Dear Mr. Berger:

While doing further research on your water right referenced above, we discovered a problem which requires your attention.

At the time of assisting you, the water rights agent presumed three acres had irrigation company water rights also, and thereby figured your filing fees at \$70.00. Upon further investigation, it was noted our presumption was not true. Therefore, an additional \$3.00 (for three acres) is needed from you in order to complete the filing.

We will suspend processing of your water right for 30 days until the additional \$3.00 is received. If you have any questions, please contact us. We apologize for this miscalculation of your fees.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state:tf

MICROFILMED

NOV 16 1992

C021617

8/29/1991

LAVA MOTEL, INC.

ADJUDICATION FEE_(SEE REC # C021343) 410162 9337 6490 3.00

CHECK 1447

\$3.00

A29-12267 - Water Right Numbers - - -

Region: STATE

Signature: _____

MICROFILMED
NOV 16 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME BergCLAIM IDENT. NO. A29-12267DATE RECEIVED 7-29-91CK # CO21343AMOUNT \$ 70

YES NO Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ N/A ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☐ YES ☒ N/A ☐ NO *
- Is the consumptive use correct? ☐ YES ☒ N/A ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ N/A ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ N/A ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ N/A ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☐ YES ☒ Exempt ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ N/A ☐ NO *
22. Should this claim be data entered? ☐ YES ☒ NO *

Claim checked by: JSDate: 8-05-91Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

MICROFILMED

Date: NOV 16 1992Comments: Need \$3 irrigation Total Fees = \$73. At the

time of assisting you, agent presumed 3 acres was covered by irrigation
co. WR(s), too.

SD-183
INQUIRY

Idaho Department of Water Resources
Water Rights Audit Trail Screen

Date: 07/30/91
Time: 16:47:58

Water Right Number: 29-07907

FIRST PAGE

Date-Stamp 900322
900322
900410
900726
900802
900803

User-ID MEYER
MEYER
CURTIS
CURTIS
CURTIS
CURTIS

(Enter=Exit)

(GOLD4=Prev Screen)
(GOLD5=Next Screen)

(GOLD6=End of Data)
(GOLD8=Cancel)

MICROFILMED

NOV 16 1992

2 9 1991

at of Water Resources

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Name of Claimant

Phone Number

Mailing Address

City

State

Zip

County(s) where place of use is located

Date claim originally due

Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

ON 6 FEB 1990 CLAIMANT FILED APPLICATION FOR PERMIT 29-07907
 IN RESPONSE TO SPRA COMMENCEMENT. FURTHER RESEARCH BY CLAIM-
 ANT INDICATED USE STARTED PRIOR TO 1963. CLAIMANT CONTACTED
 BOISE S.O. AFTER RECEIVING APPROVED PERMIT AND WAS TOLD THAT
 HE SHOULD HAVE FILED SPRA NOTICE OF CLAIM

Claimant requests an extension to

FEB 28, 1990

, 19

Signature

Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to

July 29

, 19

91

Signed this

3

day of

August

, 19

91

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
 1301 N. Orchard St.
 Boise, ID 83706

MICROFILMED

NOV 16 1992

Brian Berger
P.O. Box 545
Lava Hot Springs, Id.
83246



Idaho Dept. of Water Resources
1301 North Orchard
Boise, Idaho 83706

MICROFILMED

NOV 16 1992

C021343

7/30/1991

LAVA MOTEL, INC.

ADJUDICATION FEE_ (SEE REC # C021617)	410162 9337 6490	70.00
---------------------------------------	------------------	-------

CHECK	1404
-------	------

\$70.00

Region: STATE

Signature: _____

MICROFILMED

NOV 16 1992

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of _____

Forest Cagle

being first duly sworn,

deposes and says: that I caused a water well
to be drilled & perfected on or about
June 1st 1959.

Said well Located at 9611 Hiway 30
Lava Hot Springs, Id. - A.K.A. Lava Ranch Inn
Motel.

F. W. Cagle
(signature)

Subscribed and sworn to before me this 19 day of February 19 91.

Barbara A. Byne
(notary public)

Residing at Downey, Id.

My commission expires 12-22-93